

SUPPLEMENTAL
Notice of Allowability

Application No.

09/817,535

Examiner

Robert M. Pond

Applicant(s)

FRANCO, HECTOR

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to Applicant's amendment (2/24/06), Notice of Allowability (20060804), and Sup. Ex. Amdt.
2. ☒ The allowed claim(s) is/are 23-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20061002.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20060824.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Robert M. Pond
Primary Examiner

Please note: Notice of References Cited and supporting documents entered with the Notice of Allowability on 15 August 2006 remain in effect.

SUPPLEMENTAL EXAMINER'S AMENDMENT

Examiner's Note

The Examiner's Amendment with Reasons for Allowance mailed on 15 August 2006 with the Notice of Allowability is withdrawn. This Supplemental Examiner's Amendment with Reasons for Allowance replaces the Examiner's Amendment with Reasons for Allowance. This Supplemental Examiner's Amendment amends the claims as entered on 15 August 2006. Changes to claim language proposed by the Applicant on 24 August 2006 that clarify antecedent issues identified by the Examiner were accepted. No new subject matter was entered.

Supporting documentation entered into the record with the Notice of Allowability on 15 August 2006 remain in effect unless otherwise corrected per this supplemental office action.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization

Authorization for this examiner's amendment was provided by Mr. Hector Franco, Applicant, on 06 August 2006 and 24 August 2006.

Allowed Claims

Claims 23-34 are allowable over the prior art of record. Claims 1-22 were previously canceled.

In the Claims

The claims as filed 24 February 2006 have been amended as follows:

- Claims 1-22 were previously canceled.
- Delete claim 23 in its entirety and insert therefore:

- -23. A network-based computer-assisted method of managing product distribution and facilitating a transfer of purchases from a plurality of merchants to a plurality of consumers, the method comprising:

for each consumer of the plurality of consumers:

receiving an identification of a plurality of items ordered by the consumer, wherein each of the plurality of items is ordered by the consumer from a different one of the plurality of merchants;

associating the plurality of items with each other on a computer system;

identifying a temporary storage facility proximate the consumer, from which the plurality of associated items can be transferred to the consumer;

identifying a date and time for transferring the plurality of associated items to the consumer;

for each item of the plurality of associated items:

identifying an estimated transportation time for said each item to be transported from a point of origin to the identified temporary storage facility; and

based at least on the identified estimated transportation time and the identified date and time for transferring the plurality of associated items to the consumer, synchronizing a shipment of said each item from the point of origin to the identified temporary storage facility in accordance with a just-in-time schedule compliant with the identified date and time for transferring the plurality of associated items to the consumer;

receiving the plurality of associated items at the identified temporary storage facility;

physically aggregating the plurality of associated items at the identified temporary storage facility based at least on the association of the plurality of associated items on the computer system; and

transferring the physically aggregated plurality of associated items to the consumer.- -

- Delete claim 24 in its entirety and insert therefore:

- -24. The method of claim 23, wherein each of the plurality of items are associated with each other indirectly through an association of each item with the consumer ordering the item.- -

- Delete claim 25 in its entirety and insert therefore:

- -25. The method of claim 24, wherein each of the ordered items is a product or comprises one or more products.- -

- Delete claim 26 in its entirety and insert therefore:

- -26. The method of claim 25, wherein identifying a temporary storage facility proximate the consumer, further comprises:

presenting to the consumer at least one temporary storage facility proximate the consumer at which the consumer can receive the items; obtaining from the consumer a selection of one of the temporary storage facilities; and notifying the merchants of the identity of the temporary storage facility selected by the consumer.- -

- Delete claim 27 in its entirety and insert therefore:

- -27. The method of claim 26, wherein identifying a date and time for transferring the plurality of items to the consumer, further comprises receiving from the consumer, an identification of a date and time at which the consumer will expect to receive the items.- -

- Delete claim 28 in its entirety and insert therefore:

- -28. The method of claim 27, wherein said synchronizing further comprises:

including in a group of items said each item and other items ordered by other consumers of said plurality of consumers, wherein all the items in the group are destined for the identified temporary storage facility, have a same point of origin, and have similar dates and times for transferring to consumers; and

based at least on the identified estimated transportation time and the identified date and time for transfer, synchronizing shipping of the items in the group from the point of origin to the identified temporary storage facility in accordance with a just-in-time schedule compliant with the identified date and time for transferring to consumers.- -

- Delete claim 29 in its entirety and insert therefore:

- -29. The method of claim 28, further comprising

providing each merchant target shipping dates, times, and schedules compliant with the identified dates and times for transferring items to consumers.- -

- Delete claim 30 in its entirety and insert therefore:

- -30. The method of claim 29, further comprising

providing each temporary storage facility:

a shipping schedule of each group of items destined to that facility;

an identification of the items in each group; and
aggregation instructions to physically aggregate the items in
the groups received in accordance with the association of items
in the computer system for each consumer.- -

- Delete claim 31 in its entirety and insert therefore:
 - -31. The method of claim 30, wherein transferring the physically aggregated items to the consumer comprises having the consumer pick up the physically aggregated items at the identified temporary storage facility.- -
- Delete claim 32 in its entirety and insert therefore:
 - -32. The method of claim 31, further comprises reminding the consumer of the identified date and time to pick up the physically aggregated items at the temporary storage facility.- -
- Delete claim 33 in its entirety and insert therefore:
 - -33. The method of claim 30, wherein transferring the physically aggregated items to the consumer comprises sending the physically aggregated items to the consumer from the temporary storage facility.- -
- Delete claim 34 in its entirety and insert therefore:
 - -34. The method of claim 33 further comprises instructing a delivery service to pick up the physically aggregated items at the temporary storage facility and to deliver the physically aggregated items to the consumer.- -

In the Specification

The Specification as entered 25 May 2001 is amended as follows:

- Page 33, line 26, delete “which”
- Page 33, line 28, delete “which”
- Page 59, line 13, delete “judgment” and insert therefore: - -judgment- -
- Page 63, line 13, delete “215;” and insert therefore: - -215,- -
- Page 68, line 18, delete “OAIMS 111” and insert therefore: - -OIMS 111- -
- Page 83, line 25, after “adaptive closed loop controller” insert therefore:
- - 2836- -
- Page 84, line 20, delete “2806” and insert therefore: - -2836- -
- Page 84, line 21, delete “2802” and insert therefore: - -2832- -
- Page 84, line 21, delete “2801” and insert therefore: - -2831- -
- Page 84, line 22, delete “2801” and insert therefore: - -2831- -
- Page 84, line 28, delete “2806” and insert therefore: - -2836- -
- Page 85, line 5, delete “2807” and insert therefore: - -2837- -
- Page 85, line 6, delete “2807” and insert therefore: - -2837- -
- Page 85, line 11, delete “2806” and insert therefore: - -2836- -
- Page 85, line 12, delete “2802” and insert therefore: - -2832- -
- Page 85, Line 15, after “Look Forward Interval” insert therefore: - -2833- -
- Page 85, line 17, delete “2806” and insert therefore: - -2836- -
- Page 85, line 19, after “Look Forward Interval” insert therefore: - -2834- -
- Page 85, line 29, delete “2806” and insert therefore: - -2836- -

- Page 85, line 30, delete "2805" and insert therefore: - -2835- -
- Page 86, line 2, delete "2805" and insert therefore: - -2835- -
- Page 86, line 3, delete "2807" and insert therefore: - -2837- -
- Page 86, line 5, delete "2807" and insert therefore: - -2837- -
- Page 86, line 5, delete "2808" and insert therefore: - -2838- -
- Page 86, line 7, delete "2807" and insert therefore: - -2837- -
- Page 86, line 13, delete "2807" and insert therefore: - -2837- -
- Page 86, line 14, delete "2806" and insert therefore: - -2836- -
- Page 86, line 15, delete "2807" and insert therefore: - -2837- -
- Page 86, line 16, delete "2808" and insert therefore: - -2838- -
- Page 86, line 18, delete "2807" and insert therefore: - -2837- -
- Page 87, line 3, delete "2806" and insert therefore: - -2836- -
- Page 87, line 4, delete "2807" and insert therefore: - - 2837- -
- Page 87, line 5, delete "2805" and insert therefore: - - 2835- -
- Page 87, line 6, delete "2807" and insert therefore: - - 2837- -
- Page 88, line 26, delete blank line 26
- Page 92, line 1, after "Unique Items Shop" delete "3005"
- Page 92, line 4, after "Unique Items Shop" delete "3005"

In the Drawings

The following changes to the drawings entered on 26 March 2001 (54 sheets)
have been approved by the Examiner and agreed upon by the Applicant:

In Figure 28B, delete reference characters "2801" through "2808" and replace with reference characters "2831 through "2838" respectively.

In order to avoid abandonment of the application, Applicant must make these above agreed upon drawing changes. Please submit a revised drawing for Figure 28B with the noted corrections.

Reasons for Allowability

The following is an examiner's statement of reasons for allowance: The field of the invention pertains to a method and system for improving efficiency and reducing the cost of distributing and selling products to consumers.

Pertaining to method claim 23, no prior art of record discloses nor teaches and suggests the combination of providing multi-dimensional coordination of items ordered from a plurality of consumers a) wherein each consumer orders a plurality of items from among different merchants, b) the system estimates for each merchant transportation time for item point of origin for each merchant's shipments of items to each identified temporary facility proximate to each consumer, c) aggregating each consumer's associated items received from among different merchants at the identified temporary storage facility, and d) coordinating transfer of each aggregated order to the respective consumer at the identified temporary storage facility based on date and time constraints.

Closest Prior Art

US Patent Prior Art

Yamada (US 6,336,100) (as cited) discloses an online shopping system and method connecting a plurality of online consumer terminals to a plurality of virtual stores via the Internet as a communication system. Yamada discloses a consumer designating a convenience store as a delivery location convenient to the consumer for package pick-up. While Yamada discloses a consumer making a purchase and selecting a temporary storage facility convenient to the consumer, Yamada fails to disclose or suggest the consumer ordering a plurality of items from among a plurality of different merchants and having each merchant's shipment delivery synchronized with other merchant deliveries in order to be compliant with date and time constraints used to coordinated each consumer's aggregated order at the identified temporary storage location proximate to the consumer.

Prior art of note includes the following:

- US 5,186,281 (Jenkins) which discloses a method of retail checkout.
- US 5,595,264 (Trotta, Jr.) which discloses a system and method of a catalog showroom using bar code scanners for item selection.
- US 5,158,155 (Domain) which discloses a vendor's structural complex.

Non-patent Literature Prior Art

Combini (as cited) discloses Internet retailing that provides payment and pick-up convenience for online shoppers for a plurality of purchased items at alternate delivery locations that are convenient for the online shopper. For the same

reasons as noted above, Combini fails to disclose or suggest the claimed invention.

Netship (as cited) discloses a consumer pick-up location convenient to the consumer and picking up items but fails to provide a remedy for Combini. The combination of Combini and Netship does not disclose or suggest synchronizing associated items of each consumer's order from among a different one of a plurality of merchants to a temporary storage facility wherein each consumer's associated items are aggregated for transfer to the respective consumer based on date and time constraints.

Foreign Patent Prior Art

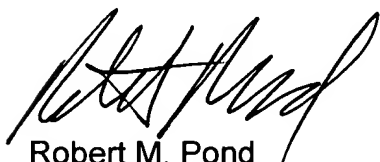
Foreign patent prior art databases were used extensively during searches conducted in EAST throughout prosecution of this application. Foreign patent prior art of interest was reviewed but none was relied upon during prosecution of this application.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert M. Pond
Primary Examiner
October 2, 2006